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[Additional counsel appear on signature page.]

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

AVIVA PARTNERS LLC, Individually)	No. 3:05-cv-03098-MLC-LHG
and On Behalf of All Others Similarly)	(Consolidated)
Situated,)	
Plaintiff,)	<u>CLASS ACTION</u>
vs.)	NOTICE OF MOTION AND MOTION
EXIDE TECHNOLOGIES, et al.,)	FOR (1) FINAL APPROVAL OF
Defendants.)	CLASS ACTION SETTLEMENT
_____)	AND PLAN OF ALLOCATION OF
	SETTLEMENT PROCEEDS; AND (2)
	AN AWARD OF ATTORNEYS' FEES
	AND EXPENSES

DATE: June 23, 2009

TIME: 10:00 a.m.

COURTROOM: The Honorable
Mary L. Cooper

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that on June 23, 2009, at 10:00 a.m., before the Honorable Mary L. Cooper, Lead Plaintiffs will, and hereby do, move for judgments and orders (1) approving the Stipulation of Settlement dated as of March 26, 2009 (the “Stipulation”) and dismissing this action with prejudice and approving the Plan of Allocation of settlement proceeds; and (2) awarding Lead Plaintiffs’ counsel’s attorneys’ fees and expenses and reimbursing Lead Plaintiffs for their time and expenses.

This motion is based upon this Motion, the accompanying Memorandum of Law in Support of Lead Plaintiffs’ Motion for Final Approval of Class Action Settlement and Plan of Allocation of Settlement Proceeds, Memorandum of Law in Support of Application of Lead Plaintiffs’ Counsel for an Award of Attorneys’ Fees and Expenses, Joint Declaration of Trig R. Smith and Jeffrey S. Nobel in Support of Lead Plaintiffs’ Motion for (A) Final Approval of Class Action Settlement and Plan of Allocation of Settlement Proceeds; and (B) an Award of Attorneys’ Fees and Expenses, the Declarations of counsel and Lead Plaintiffs submitted in support hereof,

the Stipulation and supporting exhibits, the papers and filings on record in this matter and such additional evidence or argument as may be presented at the hearing.

DATED: May 22, 2009

Respectfully submitted,

COHN LIFLAND PEARLMAN
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PETER S. PEARLMAN

s/ Peter S. Pearlman

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